Zoning Committee Meeting Tuesday, July 28, 2009 @ 6:30 PM

ITEM #1 Tabled

Application for a Zone Change from Bus B to Rec C for 1.7 acres of property located at 133 Leona Avenue (lot) for the purpose of constructing condos. Applicant: Vitaliy Dzhenzherukha, 32 Westview Ln, Feeding Hills, MA 01030.

ITEM #2 Tabled

Application for a Special Permit under section 275-54 for the purpose of waiving the frontage requirement from 150 ft. to 72 ft., side yard setbacks from 20 ft. to 10 ft., rear yard setback from 20 ft. to 14-15 ft. (depending on Building) located at 133 Leona Avenue. Applicant: Vitaliy Dzhenzherukha, 32 Westview Ln, Feeding Hills, MA 01030.

ITEM #3

Zone Change from Residential A to Business A for .99 acres of property. Location: East Main Street (Assessor's Map 133, Parcel 2) Purpose: To be consistent with abutting zoning and allow for uses within Business A zones. Petitioner: Westmass Area Development Corp., 255 Padgette St., Suite One, Chicopee, MA 01022

ITEM #4

Zone Change from Residential A to IPUD II (Industrial Planned Unit Development Type 2) for 2.4 acres of property. Location: Robbins Rd., (Assessor's Map 111, Parcels 3 & 4) Purpose: To be consistent with abutting zoning and allow for uses within IPUDII zones. Petitioner: Westmass Area Development Corp., 255 Padgette St., Suite One, Chicopee, MA 01022

ITEM #5

Zone Change from Residential A to Residential B for 5,820 sq. ft. of property. Location: Gagne St. Lot #13. Purpose: To build two family house. Petitioner: Stefan Tsikhotskiy, 9 Julliette St., Chicopee, MA 01013 & Zakhary Tsikhotskiy, 509 Whitney Ave., Apt. 4B, Holyoke, MA 01040.

ITEM #6

Zoning Ordinance: Add to Chicopee City Code Chapter 275 the following: "Article V Section 68 Part 1 [description, dimensional, and affordable housing requirements] and Part 2 [design standards] Chicopee Center 40R Smart Growth Overlay District "for the purpose of establishing in Chicopee Center a smart growth overlay district in accordance with MGL Chapter 40R that would allow housing and mixed use by right subject to the provision of affordable units and design review by the Chicopee City Council. Complete text and map of proposed distinct is available in the City Council Office. Petitioner: Councilor Demers / Chicopee City Council, 274 Front Street, Chicopee MA.

ITEM #7

Home Occupation License Ordinance review as to clarify certain home occupations.

ITEM #8

Minutes

CHICOPEE CITY COUNCIL ZONING COMMITTEE



ACCEPTED 9-30-09

ZONING COMMITTEE MEMBERS Jean Croteau, Chairman Dino A. Brunetti, Vice-Chairman James Tillotson George Moreau John Vieau Fred Krampits **Donald Demers**

> MINUTES July 28, 2009

The following are the minutes of a public hearing held Tuesday, July 28, 2009 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Croteau, Brunetti, Krampits, Tillotson, Vieau **Members Present**

Moreau, Demers **Members Absent**

Dan Garvey (City Solicitor), Kate Brown (Planning Director), Councilor Also Present Robert J. Zygarowski, Councilor Swider, Councilor McLellan

The meeting was called to order at 6:30 PM

ITEM #1

ORDERED THAT the Home Occupation License ordinance be reviewed as to clarify certain home occupations.

Kate Brown will provide language for a revised Home Occupation Ordinance.

Motion made to refer to the Planning Department for input.

5 - 0 favorable. Committee vote:

ITEM #2

Communication regarding Chicopee Center 40R Zoning District Ordinance and Design Standards.

Also present: Eleanor White and Chuck Eisenburg.

"In 2007 the City received a \$50,000.00 Priority Development Fund Grant from the state. The grant was awarded to develop a downtown overlay zoning district designed to provide by right housing - infill and in mixed use buildings - through a design review process. Communities that adopt this kind of zoning become eligible for two kinds of incentive payments from the Commonwealth. Chicopee selected Housing Partners Inc. to conduct the analysis, develop a draft ordinance, fine-tune the district boundaries, and develop design guidelines. The state has adopted "Smart Growth" legislation to encourage the production of affordable housing.

Affordability provides homeownership opportunities for a wide range of people of all ages, incomes, and situations who may otherwise struggle to find decent housing. The state has finalized legislation entitled '40R Smart Growth Zoning.' Municipalities adopting 40 R districts are paid \$10,000 to \$60,000 for unit production ranging from 20 to 501+. An additional payment of \$3,000 is made for each building permit issued. Chicopee would receive a check for \$600,000 if the 40R regulations are adopted. Twenty percent of the housing in the district must be affordable to those earning 80% or less of the median income and be deed restricted for at least 30 years."

Public Input

Property owner of 10 Center Street wanted to know whether this proposed ordinance is for new projects or for existing constructions also? He was informed that it is for both.

Gail Sherman asked whether the city would distribute the money received from the state to the property owners who will be doing the projects? She also asked what the incentives are for property owners under 40R? The city has the option to use the money from the state as it sees fit. The incentive is an expedited zoning process.

Carl Dietz, Community Development Director, had several suggestions for additions to the ordinance. He will provide them in writing.

John Michon, 22 Raylo Court, asked whether there was any funding available for property owners.

Councilor Brunetti asked how the school system will be effected by an increase in affordable housing. Ms. White stated that language is included in 40S that states that if the city sees a deficit in the school budget as a result in the increase of students living in 40R districts. The state will pay the difference.

Chicopee could see potentially 501 units.

Committee held a public hearing as required.

Committee vote 5 - 0 favorable.

ITEM #3

Application for a Zone Change from Business B for Residential C for 1.7 acres of property located at 133 Leona Avenue (lot) for the purpose of constructing condos.

Applicant

Vitaly Dzhenzherukha 32 Westview Lane Feeding Hills, MA 01030

Attorney Ronald LaRocque was present along with the petitioner. Attorney LaRocque stated that the petitioner would like to build 23 condo units on this property. All units will have a 1 car garage. Preliminary test have been done by Engineers for drainage. He also stated that the site has been declared clean.

Public Input

Thomas Alexopoulos, 119 Leona Avenue, is concerned that more extensive engineering work will not be done until after the zone change is granted. He also stated that this zone change would increase the traffic in the area.

Muriel Banas, 73 Leona Avenue, is concerned that people will not want to buy a condo in this area because of the abutting properties. Szetela Park is not maintained, a lumbar yard and

illegal auto repairs are being conducted in the area. She is concerned that people will not want to invest money in this area.

Bob Gruszczynski, 118 Leona Avenue, stated that this is the wrong project for this single family ranch style home area because it would ruin the single family area that is currently there. He would prefer that the zone remain as is.

Lisa Zajac, 84 Leona Avenue, stated that the area can not accommodate an additional 46 cars. Drivers currently do not obey traffic signs. She felt that the additional cars would create an even worse situation.

Alina Zawadzka, 125 Leona Avenue, stated that this project would increase traffic in the

Debra Gruszczynski, 118 Leona Avenue, stated that she is concerned about where the 2nd car for each condo would park.

Joseph Banas, 73 Leona Avenue, stated that he is concerned about where the snow is going to be plowed during the winter in the condo development.

The petitioner stated that the second story will not be full. He also stated that each condo will have a driveway in addition to the garage. So two cars can park right by the condo. There will be 16 additional visitor parking spaces. A 21E was performed on the property.

Committee vote 5 - 0 unfavorable.

ITEM #4

Application for a Special Permit under section 275-54 for the purpose of waiving the frontage requirement from 150 ft. to 72 ft., side yard setbacks from 20 ft. to 10 ft., rear yard setback from 20 ft. to 14-15 ft. (depending on Building) located at 133 Leona Avenue.

The following restrictions were placed on the Special Permit

All units must have at least one car garage
Drawing plan must be approved by DPW, Engineering Dept.
Fire Department must approve the project as it relates to their issues
Positive 21E approval must be obtained
Total number of units will be capped at 23 units
Permit to run with the land
Height restriction to 25' above grade

Committee vote 5 - 0 unfavorable.

ITEM #5

Application for a Zone Change from Res A to Bus A for .99 acres of property located at Assessor's Map 133 Parcel 2 for the purpose of any activities allowed within Business A.

Applicant Westmass Area Development Corp.

Ken Delude

255 Padgett Street, Suite One

Chicopee, MA 01022

Mr. Brian Nicholas and Mr. Jeff Warren were present at the meeting. They stated that this request is to be consistent with surrounding properties.

Committee vote 5 - 0 favorable.

ITEM #6

Application for a Zone Change from Res A to IPUD-II for 2.40 acres of property located at Assessor's Map 111 Parcel 3 & 4 for the purpose of any activities allowed within IPUD-II

Applicant

Westmass Area Development Corp.

Ken Delude

255 Padgett Street, Suite One

Chicopee, MA 01022

Mr. Brian Nicholas and Mr. Jeff Warren were present at the meeting. They stated that this request is to be consistent with surrounding properties.

Committee vote

5 - 0 favorable.

ITEM #7

Application for a Zone Change from Res A to Res B for 5,820 sq. ft. of property located at Gagne Street Lot #13 for the purpose of building two family house.

Applicant

Stefan Tsikhotskiy

9 Juliette Street

Chicopee, MA 01013

Zachary Tsikhotskiy

509 Whitney Avenue, Apt 4B

Holyoke, MA 01040

Zachary Tskihotskiy was present. Applicant stated that he is proposing to build a duplex on this property.

Public Input

Lynn Champagne, stated that the neighborhood does not need a two family dwelling next to a junk yard and 2 other businesses. She stated that the street has many flooding issues and this development would just add to it.

Cherlie Jilson, 9 Mill Street, stated that she is opposed because all the homes in the area are one family dwellings. The proposed area is very small and would not fit a duplex on it.

David Roy, 28 Gagne Street, stated that this property was sold as one lot. He also stated that there are many flooding issues on this street.

Matt O'Neil, 10 Mill Street, stated that the streets gets flooded and sewers get backed up this would just add to the problem.

Robert Baran, 16 Mill Street, stated that he is opposed because the property is too small.

Anne Jalbert, 21 Mill Street, stated that she is opposed for all the reasons already mentioned.

The Planning Departments recommendation was read:

Denial. Massachusetts zoning law requires zoning districts to be uniform. Rezoning the subject lot to Residential B would create a spot zone on the map, it would create the potential for a use inconsistent with the single family neighborhood, and the only beneficiary would be the property owner. This neighborhood is at a disadvantage because of its proximity to I-391, junkyards and other industrial uses. Maintaining the integrity of the Residential A zoning and single-family use is essential to maintaining property values and quality of life in this area.

Committee vote

5 - 0 unfavorable.

Reasons for Denial

Lot too small for 2 family
Drainage for lot size
Traffic concern
Parking problem for lot size
No other 2 family units in the area strictly one family
Flooding concerns
Planning Board recommended denial.

ITEM #8

Minutes - June 30, 2009 Motion made to accept. Motion passed.

Meeting adjourned at 9:03 PM.